UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re: BKY No. 15-43828
Chapter 7

James Alan Rothers,

Debtors.

NOTICE OF HEARING AND MOTION FOR ORDER AUTHORIZING RULE 2004 EXAMINATIONS

TO: Entities specified in Local Rule 9013-3.

1. J. Richard Stermer, the Chapter 7 Trustee of the bankruptcy estate of James Alan Rothers, applies to the Court for authorization to conduct Bankruptcy Rule 2004 examinations of the Dakota Depository Company, LLC, the Co-op Credit Union of Montevideo, and Abdi Eleonai Barcenas.

2. The Court will hold a hearing on this motion at 2:30 p.m. on March 22, 2017, before the Honorable Michael A. Ridgway, in Courtroom 7 West, U.S. Bankruptcy Court, 300 South Fourth Street, Minneapolis, MN 55415.

3. Any response to this motion must be filed and served by delivery no later than March 17, 2017, which is five days before the time set for the hearing (including Saturdays, Sundays and holidays). UNLESS A RESPONSE OPPOSING THE MOTION IS TIMELY FILED, THE COURT MAY GRANT THE MOTION WITHOUT A HEARING.

4. This case was commenced by the filing of a voluntary chapter 7 petition on November 3, 2015.

5. The case is currently pending in this Court. This Court has jurisdiction over this Application under 28 U.S.C. §§157 and 1334, Bankruptcy Rule 5005 and Local Rule 1070-1.

This proceeding is a core proceeding. This Application arises under Bankruptcy Rule 2004 and is filed under Local Rule 2004-1.

6. The entities for which Rule 2004 examination authority is sought are the following:

a. Dakota Depository Company, LLC, a company in the business of storing and transferring precious metals, may be storing or may have transferred property for the Debtor, James Alan Rothers.

b. Stephanie Voxland, the Debtor's girlfriend, paid attorney fees for the Debtor by check from an account with the Co-op Credit Union of Montevideo, and the Trustee desires to investigate whether this payment and other transactions from the account consisted of bankruptcy estate property.

c. Abdi Eleonai Barcenas was the original and sole member of ABC Bin Company, LLC (South Dakota) when it was formed in 2014, and it appears that the Debtor purchased precious metals in the name of ABC Bin Company, LLC (South Dakota). The Trustee desires to investigate whether Mr. Barcenas' transactions with ABC Bin Company, LLC (South Dakota) involved bankruptcy estate property.

7. The Trustee needs to obtain information from the Dakota Depository Company, LLC and the Co-op Credit Union of Montevideo so that he can determine the assets of this bankruptcy estate and administer the estate.

WHEREFORE, the Trustee requests that the Court enter an order approving the Trustee's examinations, pursuant to Bankruptcy Rule 2004, of the Dakota Depository Company, LLC, the Co-op Credit Union of Montevideo and Abdi Eleonai Barcenas.

LEONARD, O'BRIEN
SPENCER, GALE & SAYRE, LTD.

Dated: February 24, 2017

/e/ Matthew R. Burton
By_______________________________

Matthew R. Burton, #210018
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Attorneys for J. Richard Stermer, Trustee
100 South Fifth Street, Suite 2500
Minneapolis, Minnesota 55402-1234
(612) 332-1030

VERIFICATION

I, J. Richard Stermer, the Trustee for the Estate of James Alan Rothers, declare under penalty of perjury that the foregoing is true and correct according to the best of my knowledge, information and belief.

February 23, 2017

J. Richard Stermer, Trustee

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

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Debtors.

CERTIFICATE OF SERVICE

I, Hillary Brown, under penalty of perjury, hereby declare that on February 24, 2017, in connection with the above-referenced matter, I caused the following documents:

Notice of Hearing and Motion for Order Authorizing Rule 2004 Examinations

Proposed Order for Rule 2004 Examinations

to be filed electronically with the Clerk of Court through ECF, and that ECF will send an e-notice of the electronic filing.

I further certify that I caused a copy of the foregoing documents to be mailed via First Class mail to the following:

Officer or Managing Agent
Co-op Credit Union of Montevideo
PO Box 447
Montevideo, MN 56265-0472

Abdi Eleonai Barcenas
2017 Towner Ave S.W.
Grand Rapids, MI 49507

Officer or Managing Agent
Dakota Depository Company, LLC
1437 42nd St. South
Fargo, ND 58103

Dated: February 24, 2017

/e/ Hillary A. Brown
Hillary A. Brown

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re: BKY No. 15-43828
Chapter 7

James Alan Rothers,

Debtor.

ORDER FOR RULE 2004 EXAMINATIONS

This case is before the Court on the motion of the J. Richard Stermer, Trustee, to allow him to conduct examinations pursuant to Federal Rule of Bankruptcy Procedure 2004. Based on files and records,

IT IS ORDERED:

The Trustee may examine the Dakota Depository Company, LLC, the Co-op Credit Union of Montevideo, and Abdi Eleonai Barcenas pursuant to Federal Rule of Bankruptcy Procedure 2004.

Dated: ____________________________ ____________________________
United States Bankruptcy Judge